

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

ORDER TO SHOW CAUSE

THIS MATTER having been brought to the Court's attention through the application (the "Application") of Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*lll* ("SIPA"), and the estate of Bernard L. Madoff ("Madoff"), seeking relief under Rule 9077-1(a) of the Local Bankruptcy Rules for the Southern District of New York and Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, made applicable by Rule 7030 of the Federal Rules of Bankruptcy Procedure, for orders authorizing the depositions of Annette Bongiorno ("Bongiorno") and Joann Crupi ("Crupi") on the profit withdrawal issue;

UPON REVIEW AND CONSIDERATION of the supporting Declaration of Seanna R. Brown, Esq. (the "Brown Declaration"), and all of the prior proceedings, pleadings, and other submissions in this matter;

Now, therefore, IT IS HEREBY:

ORDERED that cause must be shown before this Court, the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, 10004 on the 5th day of May, 2016, at 10:30 a.m., as to why the Court should not issue orders:

1. Authorizing the depositions of Bongiorno and Crupi on the profit withdrawal issue; and
2. Directing the wardens of Federal Correctional Institute Coleman and Federal Prison Camp Alderson to produce Bongiorno and Crupi for their depositions at dates and times to be determined at the discretion of the wardens but not later than June 13, 2016; and
3. Authorizing counsel from three law firms to attend the depositions of Ms. Bongiorno and Ms. Crupi: (1) Baker Hostetler LLP, as counsel for the Trustee; (2) Baker McKenzie LLP, as counsel for certain Participating Claimants, as that term is defined in paragraph 5 of the Order Establishing Schedule for Limited Discovery and Briefing on the Profit Withdrawal Issue, ECF No. 10266; and (3) Chaitman LLP, as counsel for certain Participating Claimants, in addition to counsel for Bongiorno and Crupi; and

IT IS FURTHER ORDERED that any responses or objections to the relief sought shall be filed and served upon counsel for the Trustee by 4 pm on May 4, 2016; and it is further

~~ORDERED that any replies by the Trustee shall be filed and served upon counsel for Bongiorno and Crupi, and any other party who files a response or objection, by _____; and it is further~~
[SMB: 5/2/16]

ORDERED that the Trustee shall serve a copy of this Order to Show Cause, the Brown Declaration, and the Motion and Memorandum of Law for Authorization to Depose Annette Bongiorno and Joann Crupi Regarding the Profit Withdrawal Issue on counsel to Bongiorno and Crupi and counsel to Participating Claimants by 12 noon on May 2, 2016; and it is further

ORDERED that the Trustee shall also serve a copy of this Order to Show Cause, the Brown Declaration, and the Motion and Memorandum of Law for Authorization to Depose Annette Bongiorno and Joann Crupi Regarding the Profit Withdrawal Issue on, on the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Josephine Wang, Esq. by **4:00 p.m. on May 2, 2016**; and it is further

ORDERED that all service hereunder shall be made via electronic mail, facsimile, overnight delivery, and/or hand delivery, as well as the Court's Electronic Case Filing ("ECF") system.

ORDERED, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: May 2, 2016
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE